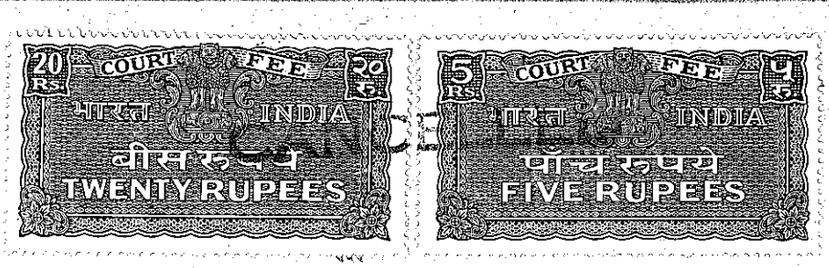

(5)

25/1827

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

Writ Petition No. 4009 of 1996

Petitioner: Ramlal, aged 68 years, son of Nandlal Sonkar, culativator and resident of Sonkarpara, Purani Basti, Raipur, Tahsil and District Raipur, M.P.

versus

Respondents: 1. State of M.P., through, the Principal Secretary, Revenue Department, Vallabh Bhawan, Bhopal.

2. The Competent Authority, Urband Land Ceiling, Raipur, M.P.

3. Additional Commissioner, Raipur Division, Raipur, appellate authority, Urban Land Ceiling, Raipur, M.P.

PETITION UNDER ARTICLES 226 & 227

CONSTITUTION OF INDIA

(159)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 4009/96 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23-3-2005

Shri Vivek Ranjan Tiwari, Adv. for the petitioner.

Shri P.S. Koshy, Dy. Adv. General for the State.

Heard.

2. Counsel for the petitioner submits that the matter relates to proceedings under the Urban Land (Ceiling and Regulation) Act, 1976.

3. Counsel for the petitioner submitted that the possession is with the petitioner and there is nothing on record to indicate that the State had taken possession over the surplus land. He further submits that the present proceedings have to be abated under Section 4 of the urban Land (Ceiling and Regulation) Repeal Act, 1999.

4. Shri Tiwari, counsel for the petitioner and Shri Koshy, appearing for respondents submit that proceedings were initiated prior to the coming into force of the repealed Act. They further that the matter is squarely covered by the decision of the Hon'ble Supreme Court in the case of *Pt. Madan Swaroop Shrotiya Public Charitable Trust –v- State of U.P. and others ((2000)6 SCC 325).*

5. Section 4 of the Urban land (Ceiling and Regulation) Repeal Act, 1999 provides as under:-

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 4009/96 ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

"4. Abatement of legal proceedings.- All proceedings relating to any order made or purported to be made under the principal Act pending immediately before the commencement of this Act, before any court, tribunal or other authority shall abate;

Provided that this section shall not apply to the proceedings relating to Sections 11, 12, 13 and 14 of the principal Act insofar as such proceedings are relatable to the land, possession of which has been taken over by the State Government or any person duly authorized by the State Government in this behalf or by the competent authority."

6. Counsel for the parties were asked about the possession. Learned counsel for the petitioner stated that possession is with the petitioner. He further stated that there is nothing on record to indicate that the State had taken possession over the surplus land. Learned counsel for the State was also pointedly asked. He is not in a position to dispute this fact.

7. In view of the statements made by the learned counsel for the parties, the present proceedings are hereby abated under Section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999.

8. The petition is accordingly disposed of.

Sd/-
Fakhruddin
Judge

(पीछे देखिये)